

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

)
PAUL JAMES UPSHER,)
)
Petitioner) Civil Action No. 04-1707
)
vs.)
)
DAVID GOODE, Superintendent,) Chief Judge Donetta
STEPHEN ZAPALLA, The District) W. Ambrose/Magistrate
Attorney of Allegheny County,) Judge Lisa Pupo Lenihan
and JERRY PAPPERT, the Attorney)
General of Pennsylvania,)
)
Respondents)
)

MEMORANDUM ORDER

Paul James Upsher ("Petitioner") sent the instant habeas petition in to the Clerk's Office on November 10, 2004. Because he did not pay the filing fee nor did he request in forma pauperis status ("IFP"), the habeas petition was not docketed. However, the court did order that Petitioner either pay the filing fee or request IFP status. Doc. 1. Subsequently, the court received an unsigned motion and declaration in support of motion to proceed IFP. Because it was unsigned it was not docketed.

This case has been in limbo since then. In order to expedite the disposition of this case, the Court will deem Petitioner's flawed attempt to request IFP status sufficient, and hereby order that Plaintiff be **GRANTED** IFP status, and the Clerk is hereby directed to docket the habeas petition.

CONCLUSION

In accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(A), and Local Rule 72.1.3, the parties are allowed ten (10) days from the date of service to file an appeal from this order to the District Court. Any opposing party shall have seven (7) days from the date of service of the appeal to respond thereto. Failure to timely file an appeal may constitute a waiver of any appellate rights.

/s/Lisa Pupo Lenihan
Lisa Pupo Lenihan
U.S. Magistrate Judge

Dated: June 13, 2006

cc: The Honorable Donetta W. Ambrose
Chief United States District Judge

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